

Pursuant to Ind. Appellate Rule 65(D),  
this Memorandum Decision shall not be  
regarded as precedent or cited before any  
court except for the purpose of  
establishing the defense of res judicata,  
collateral estoppel, or the law of the case.

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**IN THE  
COURT OF APPEALS OF INDIANA**

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M.N.,	)	
	)	
Appellant-Respondent,	)	
	)	
vs.	)	No. 20A03-0701-JV-14
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Petitioner.	)	

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APPEAL FROM THE ELKHART CIRCUIT COURT  
The Honorable Deborah A. Domine, Juvenile Magistrate  
Cause No. 20C01-0609-JD-920

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**May 23, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**KIRSCH, Judge**

M.N. appeals the dispositional order of the juvenile court<sup>1</sup> following his admission to Possession of a Controlled Substance, Visiting a Common Nuisance, and Possession of Marijuana, respectively, a Class D felony, a Class B misdemeanor and a Class A misdemeanor if committed by an adult. On appeal, M.N. contends that the court abused its discretion and contravened statutory principles when it made him a ward of the Indiana Department of Correction.

We affirm.

Juvenile court dispositions are within the sound discretion of the juvenile courts and will not be reversed absent the showing of an abuse of that discretion. *E.H. v. State*, 764 N.E.2d 681, 684 (Ind. Ct. App. 2002), *reh'g denied, trans. denied*. In determining their dispositions, juvenile courts are directed by statute to utilize the least restrictive placement available that is consistent with the safety of the community and the best interests of the child. *J.D. v. State*, 859 N.E.2d 341, 346 (Ind. 2007).

Here, M.N. had a criminal history consisting of seven delinquent acts extending over five years. His commission of the delinquent acts continued notwithstanding the panoply of services provided to him. Juvenile probation staff recommended placement with the Department of Correction. The court found that M.N. was disruptive in school and in treatment and posed a risk for other children were he placed in a residential treatment facility. The court concluded that M.N.'s past and present behaviors demanded placement with the Department of Correction.

M.N. has failed to show that such placement is an abuse of discretion or that a less restrictive placement would be consistent with either his best interests or the safety of the

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<sup>1</sup> We commend the trial court for the thoroughness of its order. It has greatly facilitated appellate review.

community. Although his family requested placement in M.N.'s father's home and his therapist recommended placement in a residential treatment facility, reasonable people can disagree. It was up to the juvenile court to weigh such disagreements. In doing so, the court acted within its sound discretion and did not contravene statutory requirements.

Affirmed.

DARDEN, J., and MATHIAS, J., concur.